

EXHIBIT O

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

STEVE SANDS,

Plaintiff,

- *against* -

CBS INTERACTIVE INC.,

Defendant.

Case No. 18-cv-07345 (JSR)

ECF Case

**DEFENDANT CBS INTERACTIVE INC.'S AMENDED INITIAL DISCLOSURES
PURSUANT TO FED. R. CIV. P. 26(a)**

Pursuant to Rule 26(a)(1) of the Federal Rules of Civil Procedure, defendant CBS Interactive Inc. (“CBS Interactive”), by and through its undersigned attorneys, makes the following amended initial disclosures based on information reasonably available to it at this time. Continuing investigation and discovery may alter these amended disclosures and, accordingly, CBS Interactive expressly reserves its right to amend and/or supplement this document, including as provided by Federal Rule of Civil Procedure 26(e), and as otherwise allowed by the Court or applicable rules.

By making these amended disclosures, CBS Interactive does not represent that it is identifying every document, tangible thing, or witness possibly relevant to this lawsuit. Nor does CBS Interactive waive its right to object to the production of any document or tangible thing disclosed on the basis of any privilege, the work product doctrine, relevancy, undue burden or any other valid objection. Rather, CBS Interactive’s amended disclosures represent a good-faith effort to identify information it reasonably believes is discoverable and which may be used to support its claims or defenses as required by Rule 26(a)(1).

Finally, CBS Interactive's amended disclosures are made without waiving or relinquishing in any way its right to object (1) on the grounds of competency, privilege, relevancy and materiality, hearsay, or any other proper ground, to the use of any such information, for any purpose, in whole or in part, in any subsequent proceeding in this action or any other action; and (2) on any and all grounds, at any time, to any other discovery request or proceeding involving or relating to the subject matter of these amended disclosures.

All of the following amended disclosures are made subject to the above objections and qualifications.

A. Individuals Likely to Have Discoverable Information—Fed. R. Civ. P. 26(a)(1)(A)(i)

After a reasonable inquiry, CBS Interactive identifies the following individuals as likely having discoverable information that CBS Interactive may use to support its claims or defenses in this action. CBS Interactive does not give its consent for plaintiff Steve Sands ("Plaintiff") to contact any of CBS Interactive's current or former employees or representatives who may have privileged or confidential information, including the individuals listed below. Any such contact should be made through CBS Interactive's undersigned counsel, Cowan, DeBaets, Abrahams & Sheppard LLP. CBS Interactive reserves the right to identify additional persons at a later time based on ongoing investigation and discovery. CBS Interactive will supplement its amended disclosures based on further investigation and discovery, as appropriate.

| Individual(s) | Address & Telephone No. (if known) | Subject Matter |
|---|---|--|
| Steve Sands | Contact through Plaintiff's counsel of record. | Allegations in the complaint; registration, ownership, assignment and/or license of the photographs at issue (the "Photographs"); alleged infringement; alleged damages. |
| Dan Auty, Independent Contractor, GameSpot.com | Last known address: 13 Queen's Avenue, Winchmore Hill London N21 3JE UK | Acquisition and use of the Photographs on GameSpot.com; innocence. |
| Randolph Ramsay, Editor in Chief, GameSpot.com | Contact through CBS Interactive's counsel of record. | CBS Interactive's defenses in this case; traffic to the website displaying the Photographs. |
| Tom Krasnor, Director of Yield Management, CBS Interactive Inc. | Contact through CBS Interactive's counsel of record. | CBS Interactive's actual profits, if any, earned in connection with the article in which the accused Photographs appeared. |
| CBS Interactive Inc. (Corporate Representative) | Contact through CBS Interactive's counsel of record. | CBS Interactive's defenses in this case. |

B. Categories and Location of Documents—Fed R. Civ. P. 26(a)(1)(A)(ii)

Pursuant to Fed. R. Civ. P. 26(a)(1)(A)(ii), at this time, CBS Interactive identifies the following categories of documents, which it may use to support its claims, to the extent (1) such documents exist, (2) are within its possession, custody or control, and (3) are not privileged. Copies of such documents will be produced by CBS Interactive's counsel at a time and place to be agreed upon among counsel.

1. Documents and communications concerning CBS Interactive's use of the Photographs; and
2. Documents sufficient to show CBS Interactive's lack of financial benefit from its use of the Photographs and Plaintiff's lack of damages.

CBS Interactive's document identification to date is based solely upon such information and documents that CBS Interactive has been able to discover thus far, as well as CBS Interactive's present analysis of the case, and shall not in any way be deemed to be a representation that additional documents do not exist. Accordingly, CBS Interactive reserves the right to amend or supplement this amended disclosure pursuant to Rule 26(e) if additional documents are identified. Furthermore, CBS Interactive reserves the right to supplement or modify this amended disclosure based on information or documents subsequently identified as pertinent to disputed facts.

CBS Interactive will not produce documents generally available to the public but reserves the right to use such documents in this action.

C. Categories of Damages Claimed by CBS Interactive—Fed. R. Civ. P. 26(a)(1)(A)(iii)

CBS Interactive, as the defendant, does not claim any damages at this time, but reserves the right to amend or supplement this amended disclosure pursuant to Rule 26(e) if any damages are identified. CBS Interactive intends to seek reimbursement of its legal fees and costs, which amounts are not ascertainable at this time.

D. Insurance

Pursuant to Rule 26(a)(1)(A)(iv), CBS Interactive is not currently aware of any applicable insurance policies likely to provide coverage for this matter.

Dated: New York, New York
December 26, 2018

COWAN, DEBAETS, ABRAHAMS &
SHEPPARD LLP

By: /s/ Eleanor M. Lackman

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CERTIFICATE OF SERVICE

I, Eleanor M. Lackman, hereby certify that a true and correct complete copy of the foregoing Amended Initial Disclosures have been served on counsel of record for Steve Sands by mailing said copy on December 26, 2018, via e-mail and First-Class Mail, postage prepaid, to:

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By: s/ Eleanor M. Lackman